REMARKS

Based on the manifest differences between the cited references and the claimed invention, the Applicant believes that the following remarks will convince the Examiner that the rejections in the June 29, 2006 Office Action should be reconsidered and withdrawn.

A. Claim Rejections Under 35 U.S.C. § 102(e)

The Examiner rejected claims 41, 44, 46, 47, 50, 53-55, 57, 61, and 64 under 35 U.S.C. §102(e) as being anticipated by Purcell U.S. Patent Number 6,081,789 ("Purcell"). Applicant respectfully disagrees.

It is black letter law that for a reference to be anticipatory, it must teach each and every claimed limitation -- Purcell falls short of this requirement. Briefly, and quite distinct from the present invention, Purcell merely discloses an inventory information exchange system. According to Purcell, a system and method is provided by which product and service information is made available to select buyers or users. Purcell discloses providing a data base to which sellers and buyers have limited, but independent access for exchanging sales information. Importantly, the system according to Purcell fails to teach or disclose a system or method for the presentation and resolution of bills, debt or other transactions, and more specifically Purcell does not teach such a system that includes establishing information and business rules common to members of each of a group of transaction communities which each comprise an account pool. Rather, the system according to Purcell requires soliciting authorization for admission into the

system from a host administrator or access approver. In other words, Purcell requires system enrollment, which is very different from the claimed invention.

As is more fully set forth in the applicant's response dated January 6, 2006, the present invention provides an electronic bill and debt resolution forum for one or more creditors and debtors without account specific system enrollment. In other words, the present invention provides a system and method for the resolution of a bill or debt in which a user is armed with a system access code that is used to gain access to a "transaction community", which allows for the exchange of information between a user and their creditor to aid in the resolution of bill or debt without the burdens of downloads, set-up, registration and/or enrollment by either the debtor or creditor.

By way of example, in the present invention, a user may be provided with bill or notice of a debt from a creditor. In such a notice, the user will be given a system access code and an Internet address URL link to the relevant "transaction community" in the system. By entering the Internet address URL link on a typical web browser, the debtor may access the transaction community by simply entering the system access code provided on the face of the bill, debt notice or collection letter. Entry of the particular access code signals the system that the transaction to be performed by the debtor is to be handled using a predetermined set of "business rules" established for the "transaction community" associated with that particular access code.

At some point during the interactive exchange of information, the user may provide account specific information in their possession (e.g., the account number with the creditor or billing party, phone number, social security number, password or other means of customer identification) which is not previously known to or registered with the

system. Upon the user providing account specific information they may then be provided with a number of options regarding the specific bill or debt (i.e., to resolve the payable, to inquire about it, to challenge the validity of the debt, etc.). This account specific information also enables any payment to be properly credited on behalf of the user to their bill or debt. Importantly, the system access codes utilized by the present invention are established on an account pool basis rather than on an account specific setup like in prior systems – such as Purcell.

In a system such as Purcell, each account is individually set up in the system on a specific account basis, either by the buyer or seller, and therefore account specific information must be loaded, stored, and updated within the system to await specific authentication in order to provide system access and accept and process payment by customers or debtors. In contradistinction, the claimed method and system eliminates the burdens of account loading/enrollment, storing and updating account specific information within the system by instead cleverly authenticating users on an account pool basis, and thereby significantly reduces the time consuming and expensive burdens of the previous systems. No system enrollment or account specific setup by the user or biller is needed – the system access code entered by the user tells the system that the transaction to be performed belongs to an account pool for which a certain set of predetermined "business rules" and relevant information apply. The system may then present relevant information to the user to enable them to determine to complete a payment transaction. The user is responsible for providing account specific information that enables the system provider to process, fund and report the transaction based on the applicable set of business rules. The

bill and debt resolution system and method of the present invention are significantly different than those disclosed in the previously cited references.

The applicant therefore respectfully submits that Purcell fails to teach all of the limitations of the pending claims, and requests that this rejection be reconsidered and withdrawn.

B. Claim Rejections Under 35 U.S.C. § 103

Next, the Examiner rejected Claims 42-43, 45, 48-49, 51-52, 56, 58-60 and 62-63 under 35 U.S.C. § 103(a) as being unpatentable over Purcell in view of Barnes U.S. Patent No. 5,970,475 ("Barnes"). In the opinion of the Examiner, based on the teachings of Barnes, it would have been obvious, at the time of the invention to modify the system of Purcell to incorporate a financial exchange system like the Barnes invention, including ordinary matters of business, within the inventory information exchange in order to facilitate commerce. *See*, Office Action, page 4. Applicant respectfully disagrees.

For a claimed invention to be obvious in view of a combination of references, three criteria must be met: 1) there must exist a suggestion or motivation to modify the reference or to combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the prior art references, when combined, must teach or suggest all of the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MANUAL OF PATENT EXAMINING PROCEDURE § 2143-2143.03. The Applicant respectfully submits that, even if proper, a combination of Purcell and Barnes does not teach all of the limitations of the present invention as claimed.

In particular, a combination of Purcell (discussed above) and Barnes fails to teach a system or method for the presentation and resolution of bills, debt or other transactions, and more neither reference teaches such a system that includes establishing information and business rules common to members of each of a group of transaction communities which each comprise an account pool.

Next, regarding Barnes, the Examiner argued that it "teaches an electronic procurement system and method for trading partners. An Electronic Commerce system enables corporate purchasers and suppliers to electronically transact for the purchase and supply of goods/services. The system includes three major hardware and software components: buyer, supplier and bank/administration. This system facilitates commerce." (Office Action, page 4). According to the Examiner, "base[d] on the teachings of Barnes et al., it would have been obvious, at the time of the invention to modify the Purcell system to incorporate a financial exchange system like the Barnes invention, including ordinary matters of business, within the access pool of the Purcell of the Purcell inventory information exchange in order to facilitate commerce." (Office Action, page 4). The Applicant respectfully disagrees with the Examiner's opinion that a combination of Barnes with Purcell teaches or discloses the claimed invention.

First, Barnes, entitled "Electronic Procurement System and Method For Trading Partners", merely teaches an electronic system for corporate buyers and sellers to electronically transact for the purchase and sale of goods and/or services. This is nothing like the present invention. That is, like Purcell, Barnes also does not teach or suggest a system or method for the presentation and resolution of bills, debt or other transactions, and more specifically such a system that includes establishing information and business

rules common to members of each of a group of transaction communities which each comprise an account pool.

As discussed above, a combination of Barnes with Purcell does not teach or disclose all the elements of independent claims 41 or 54. Thus, applicant respectfully requests the Examiner reconsider and withdraw this rejection. Because all of the remaining claims depend from one of these independent claims, Applicant submits that the rejection of those claims is similarly traversed.

As demonstrated from the above discussion, the present invention is a distinct improvement over the prior art. The present invention claims an electronic bill and debt resolution forum for one or more creditors and debtors without account specific system enrollment. That is, the present invention provides a system and method for the resolution of a bill or debt in which a user is armed with a system access code that is used to gain access to a "transaction community", which allows for the exchange of information between a user and their creditor to aid in the resolution of bill or debt without the burdens of downloads, set-up, registration and/or enrollment by either the debtor or creditor. For the same reasons that the independent claims are not rendered obvious as set forth above, the dependent claims are not taught, disclosed or rendered obvious by the cited references, either alone or in combination.

Further, Applicant respectfully points out that, standing on their own, the cited references provide no justification for the combinations asserted by the Examiner.

> "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so." *ACS Hospital Systems Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984) (emphasis in

original).

None of the cited references provide any suggestion or incentive for the combinations suggested by the Examiner. Indeed, as discussed below, they teach away from such combinations. Therefore, the obviousness rejection could only be the result of a hindsight view with the benefit of the applicant's specification. However,

> "To draw on hindsight knowledge of the patented invention, when the prior art does not contain or suggest that knowledge, is to use the invention as a template for its own reconstruction -- an illogical and inappropriate process by which to determine patentability. The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made."(citations omitted). *Seasonics v. Aerosonic Corp.*, 38 U.S.P.Q. 2d. 1551, 1554 (1996).

In addition, the combination advanced by the Examiner is not legally proper -- on reconsideration the Examiner will undoubtedly recognize that such a position is merely hindsight. *See Orthopedic Equipment Co. v. United States*, 702 F.2d 1005, 1012, 217 USPQ 193, 199 (Fed. Cir. 1983):

> "It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claim in suit. Monday morning quarterbacking is quite improper when resolving the question of nonobviousness in a court of law." *Id.*

Express motivation to combine Barnes with Purcell is lacking.

Rather, the Examiner uses hindsight in the suggestion that "base[d] on the teachings of Barnes et al., it would have been obvious, at the time of the invention to modify the Purcell system to incorporate a financial exchange system like the Barnes invention, including ordinary matters of business, within the access pool of the Purcell of the Purcell inventory information exchange in order to facilitate commerce." (Office Action, page 4). However, nothing in either Barnes or Purcell suggests a combination of

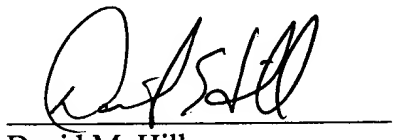
these references to produce the claimed invention.

Therefore a combination of Purcell and Barnes, if proper, would still not teach or render obvious the claimed invention as suggested by the Examiner. The applicant respectfully requests that this rejection be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing, applicant respectfully submits that the present invention as claimed in claims 41-64 represents a patentable contribution to the art and the application is in condition for allowance. Early and favorable action is accordingly solicited.

Respectfully submitted,



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